REMARKS

Claims 1 – 83 are pending in the present application. No claims were amended, cancelled, or added, leaving Claims 1 – 83 for consideration. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Obviousness-type Double Patenting

Claims 1 – 83 have been provisionally rejected on the ground of nonstatory obviousness-type double patenting as allegedly unpatentable over Claims 51 – 75 of copending Application No. 11/102,068 (hereinafter the '068 Application). Applicants respectfully traverse this rejection. However, since neither the present claims nor the claims of the '068 Application, have been patented, there is no way that double patenting can be determined (nothing is patented and there is no way to compare the final claims until one of the cases has been patented and the other claims are otherwise allowable). Hence, the Applicants respectfully request that the Examiner withdraw this obviousness double patenting rejection until the claims are in final form and otherwise in condition for allowance, and the case over which double patenting is alleged is allowed. Until such time, there is no double patenting and no way to determine double patenting.

It is further note, that the present claims are non-obvious over the art of record, as is explained below. Also, if the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent..." (MPEP 804.01.I(B))

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1 - 83 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,716,505 to Dris et al. Applicants respectfully traverse this rejection.

35 U.S.C. §103(c) states:

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the

claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Dris et al. was filed January 9, 2002, claiming priority to a provisional application filed August 31, 2001. Dris et al. published as US 2003/0044564 on March 6, 2003. The present application was filed December 18, 2001, before the publication of Dris et al. As such, Dris et al. could only qualify as prior art under one or more of 35 U.S.C. §102 (e), (f), and (g). Since "the subject matter and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person"; namely, General Electric Company, pursuant to 35 U.S.C. §103(c), Dris et al. cannot preclude patentability of the present claims. Hence, reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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